

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

September 19, 2002

**SUBJECT**

Use Permit Application USE2002-00651, Rockville Metro Plaza

Applicant: F P Rockville Limited Partnership  
1355 Piccard Drive, Suite 400  
Rockville, Maryland 20850

Property Owner: Pension Benefit Fund, Inc.  
1125 15th Street NW  
Washington, DC 20005

Date Filed: September 10, 2002

Property Location: Northwest corner of the intersection of Rockville Pike and East Middle Lane

Planning Commission Review Date: September 23, 2002

**REQUEST**

In accordance with Section 25-191 of the City of Rockville Zoning and Planning Ordinance, the applicant has submitted a Use Permit application in order to significantly amend approved USE97-0577, which was approved by the Planning Commission in 1998.

**PREVIOUS RELATED ACTIONS**

- Use Permit U-502-93, Foulger-Pratt Development, Inc., request to construct 800,000 square feet of office space, 25,000 square feet of restaurant and retail space and 1,700 parking spaces in the TCM-2 Zone in two phases; Phases I and II were approved by the Planning Commission on February 24 and April 14, 1993, respectively. A 30 percent parking reduction was also approved for each phase, with an additional 10 percent parking reduction subsequently granted by the Mayor and Council.
- Use Permit USE97-0577, Foulger-Pratt Development, Inc., request to construct 597,000 square feet of office space, 23,000 square feet of street-level retail space and 1,625 structured parking spaces above and below grade, to be developed within three buildings in three phases. The Planning Commission approved the application on December 2, 1998. A 26 percent parking reduction was granted with the request.

- Request for Time Extension, USE97-0577, request for a two-year time extension for implementation of the USE permit. Granted by the Planning Commission on November 29, 2000.

## RELEVANT ISSUES

- The project now includes a residential building at the request of the Planning Commission. This recent addition made it impractical to fully design the residential building and it will return to the Planning Commission for final approval of the architecture and the site plan prior to construction.
- Although this is a new use permit, the property is the subject of a valid use permit for three office buildings totaling 620,000 square feet. Many of the studies and conditions of the previous use permit are still relevant, and served as the basis for the staff analysis.
- Security and leasing requirements for the potential tenant of the Phase II office building resulted in the building being larger than previously approved and changed the configuration of the parking garage.

## STAFF RECOMMENDATION

Staff recommends approval of the application, including a 27 percent parking reduction, subject to the following conditions:

1. Submission, for the approval of the Chief of Planning, of fifteen (15) copies of the site plan, revised according to Planning Commission Exhibit A, and illustrating that the following site development issues and concerns have been satisfactorily addressed:
  - a) Conformance of the proposed streetscapes to match the established streetscape in Rockville Center, including paving materials and street lighting fixtures;
  - b) Revisions to the parking garage.
2. Submission, for the approval of the Chief of Planning, of eleven (11) copies of a detailed landscaping plan, revised according to Planning Commission Exhibit B, to show the following:
  - a) Installation of additional planters in the East Middle Lane plaza consistent with the planters used in Rockville Center; and
  - b) Detailed landscaping plans and parking configurations for the interim parking lots.
3. Submission, for the approval of the Planning Commission, of revised garage plans.

4. Submission, for the approval of the Planning Commission, of revised elevations and site plan for Phase III prior to the issuance of building permits.
5. Submission, for the approval of the City Forester, of a Forest Conservation Plan in accordance with the Forest and Tree Preservation Ordinance. This plan must be coordinated with the landscape plan, and must meet current Ordinance standards for afforestation requirements.
6. Submission, for the approval of the Chief of Planning and the Director of Public Works, of an exterior lighting plan for the building, plazas and sidewalks, parking garage and interim parking lots. Street and parking lot lighting fixtures should match those employed in the Rockville Center development as closely as possible. Parking lot and garage fixtures should be designed to limit light spillover on adjacent properties.
7. Applicant must enter into an agreement to relocate access easement previously approved for crossing City-owned Lot 15 to access Maryland Avenue extended to the north as necessary as indicated on Exhibit A.
8. Submission, for the approval of the Department of Public Works, of two copies of the following plans and studies:
  - a) Construction drawings for the travelway to be located within the access easement on City-owned Lot 15 or to the north, depending on the timing of city acquisition. The ultimate design and construction shall be coordinated with any future improvements to the property as necessary for Phase II or III, with completion no later than occupancy of Phase III.
  - b) Water and sewer plans with profiles, service connections and easements as required. Water and sewer connections for all buildings must be from East Middle Lane; water meters for Phase II and Phase III must be located adjacent to the Middle Lane right-of-way and within an easement.
  - c) Plans for stormwater management, sediment control, storm drain study and storm drainage for adequate conveyance of stormwater, all with computations and proposed easements and maintenance agreements, as required;
  - d) Plans for undergrounding of all utilities serving the site, including installation for street lighting per City standards.
9. The applicant shall allow installation of City-sponsored wayfinding signs on their property that will enhance pedestrian, bicycle and vehicular circulation and orientation in the Town Center.
10. The applicant shall post bonds and obtain permits from the Department of Public Works or State Highway Administration as appropriate, including right-of-way, sediment control and storm water management permits, as required.

11. Construction and occupancy must meet the requirements of the City's construction codes, fire code, life safety code, and other applicable codes and ordinances, and Maryland Accessibility and ADA requirements. Approval of the site plan does not include review or approval of any signs referenced thereon.
12. Submission, for the approval of the Chief of Police, of detailed building plans for review under Community Planning Through Environmental Design (CPTED) principles.
13. Submission, approval of the Chief of Planning, of a recycling plan based on Montgomery County guidelines.
14. Prior to the issuance of building permits for each phase of phases II and III, the applicant shall contribute \$684,621, according to the table below, toward off-site improvements including Maryland Avenue extended and transportation improvements to increase roadway capacity in the Town Center planning area. Should additional outside funding sources be made available for the funding of Maryland Avenue extended, these contributions will be allocated toward additional roadway improvements in the Town Center planning area, to be determined by the Director of Public Works.

The fees per phase are determined by the percentage of trips generated in each phase. Of the remaining trips, 79% will be generated by Phase II and 21% will be generated by Phase III. Staff is continuing to evaluate the distribution of the payment.

Phase	Contribution Amount
Phase I	\$79,842 (Paid)
Phase II (79% of trips generated)	\$540,850
Phase III (21% of trips generated)	\$143,771
Total	\$764,463

15. 5% of office parking spaces shall be reserved for car/vanpools at a convenient and safe location as approved by the Department of Public Works. In addition, the applicant will provide a full parking allocation diagram as well as a statement outlining the control and management of tandem parking spaces.
16. The applicant shall provide bicycle lockers/racks to be installed at a convenient and safe location to serve the residential, retail and office components of the development as approved by the Department of Public Works. The minimum number of bicycle lockers

shall be equivalent to 5% the number of residential units (total of 7). Bicycle racks/lockers should be provided at a convenient and safe location to serve the retail and office components of the development with a minimum number of spaces equivalent to 5% of parking spaces provided (total of 67).

17. The applicant shall execute a Transportation Demand Management (TDM) agreement with the City of Rockville before the issuance of a building permit. This agreement will require the applicant to make an annual contribution of ten (10) cents a square foot of gross floor area of the retail and office components for a period of ten (10) years, and sixty (60) dollars per market rate dwelling unit of the residential component of the proposed site development, for a period of ten (10) years. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the Town Center area. The TDM agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated to the TDM capital improvement program funds of the City.
18. The applicant shall contribute, prior to the issuance of a building permit for Phase II, a monetary contribution of \$13,000 for the installation of two future Bus Shelters adjacent to the site. The location of the bus shelters are subject to approval by Montgomery County Department of Public Works and Transportation. This contribution will be incorporated into the Bus Stop Beautification capital improvements program funds of the City.

## **ANALYSIS**

### **Site Description**

The subject property is located at the northwest quadrant of the intersection of East Middle Lane and Rockville Pike (MD Route 355) in the Town Center. The property contains approximately 155,052 square feet (3.56 acres) of land area, and currently includes one, 230,000 square-foot building (Phase I) of the approved USE97-0577 proposal. The site is located in the TCM-2 (Town Center-Mixed Use-2) Zone. To the north of the site is the commercial townhouse complex known as Hungerford Court. A portion of the Rockville Metro station parking lot is directly across Rockville Pike from the site, with the station itself further to the south. To the south of the site across East Middle Lane is the Rockville Center project, including the 255 Rockville Pike office building and the surface parking lots serving the restaurant and theater pavilion. To the west of the site is vacant property known as Lot 15, which is owned by the City and used as a public parking lot. The City and Federal Realty Investment Trust (FRIT) are currently engaged in negotiations for a public/private partnership arrangement to develop this property with residential and retail development. This partnership may extend to other properties within this block.

## Project Proposal

The approved proposal (USE97-0577) consists of a total of 620,000 square feet of commercial floor area, including 597,000 square feet of office space and 23,000 square feet of street level retail space. The development at build-out was to take the form of three towers of eight stories each, to be located above a 3-story base of retail shops and parking garage covering the entire site. The complex was to be constructed in three independent phases, which ultimately will constitute a unified design. Phase I, which has been constructed, consists of the northern building on Rockville Pike containing approximately 230,000 square feet of floor area, as well as the structured parking spaces and parking garage ramping to serve the office space. Retail space is also constructed. Given the constructed status of Phase I, this new proposal will only refer to Phases II and III. Unless otherwise specified, all conditions of approval pertaining to Phase I shall remain in full effect.

The Phase II building, which will be located at the corner of East Middle Lane and Rockville Pike, was to comprise approximately 203,800 square feet of floor area and associated parking. The Phase III office building, which will front on East Middle Lane, was approved for 195,600 square feet of floor area. During Phases I and II of the development, the remainder of the site was proposed to be a surface public parking lot. Staff notes that Section 25-193 of the Zoning Ordinance places a limitation on all phases of the development for multiple building development Use Permits. The final phase of construction must begin within eight years of the approval date of the Use Permit based on this provision.

The new proposal requests modification of the approved Phase II office component in order to increase the office square footage from 203,800 square-feet to 276,845 square feet within a larger footprint building that would front on Rockville Pike in the same configuration as the original approval. The Phase II proposal also includes 15,582 square feet of the proposed 23,227 square-feet of retail space for the whole project. The building would have a greater presence on the East Middle Lane frontage to accommodate the additional square-footage.

Phase III of the new proposal would change from an approved office building of 195,600 square feet to a 136 unit residential tower. It is undetermined as to whether the residential units will be condominiums or apartments. With the residential component comes a requirement that 15 percent of the units be Moderately Priced Dwelling Units (MPDUs). Given its preliminary design at this juncture, staff recommends that the Planning Commission approve the architecture of the building when final designs are completed before construction could begin. The residential component of the project will have dedicated parking areas within the deck, and will have various amenities, such as a pool, spa, and club house that will have access from the fourth level, which is also the top level of parking for the whole site.

The retail component of this proposal will increase slightly from 23,000 square feet to 23,567 square-feet. All of the retail space will be within the ground floor of the office buildings, just as the previous approval. The open space pedestrian plaza area that was a prominent feature of the approved proposal also remains for the most part unchanged. There has been a slight re-configuration to accommodate the increased building frontage on East Middle Lane, but the

general site area has remained the same. There is a “pass-through” area for the retail site that will directly access the parking to the rear of the site.

The parking for the site will still be configured in a garage, with approximately 750 spaces to be dedicated in a secured access area solely for the use of the Phase II office tenants. These secured parking areas will be the only ones located under the Phase II office building, and will be accessed through a secure card-gated location off of East Middle Lane. Required parking for the retail and residential uses, as well as the constructed Phase I, would be accommodated through the balance of the parking structure, and will be accessed from East Middle Lane and Hungerford Drive.

## **STAFF COMMENTS**

### **Stormwater Management**

Stormwater management for the entire site was approved on November 9, 1998. Quality control is provided by a monetary contribution to Rockville’s Regional SWM program. A total of \$89,696 has been paid for Phase I. The remainder of the contribution must be paid prior to any permit being issued that allows impervious area. Quality control for the entire site has been constructed with the Phase I development. So long as the Phase II and III impervious area is constructed prior to July 1, 2004, nothing additional will be required for water quality. Impervious areas built after July 1, 2004 must provide water quality consistent with the SWM law adopted September 9, 2002.

### **Roadway Network Analysis**

Staff analyzed the need for a comprehensive traffic study for this application; the revised application did not meet thresholds to trigger a new traffic study due to the fact that it generated approximately the same amount of trips. However, the residential component would change the travel patterns. Staff analyzed the following four intersections adjacent to the site in the PM peak to determine the impact of the new uses on the intersections:

1. MD 355/ Middle Lane
2. MD 355/ Beall Avenue
3. Middle Lane/ N. Washington Street
4. Maryland Avenue/ MD 28

These intersections were studied to evaluate changes in levels of congestion. Trip generation was adjusted from the original study using separate trip generation rates for each of the proposed uses; office, retail and residential. The attached table summarizes and compares the difference in trip generation between the approved and proposed applications. The overall number of PM peak trips decreases by 46 trips between the approved and proposed trip generation. Despite a decrease in the overall number of trips, the addition of residential use on this site changes travel patterns and the impacts on the surrounding intersections. In the approved application, 67% of

the trips are generated in the first two phases, and in the proposed application, 86% of the trips are generated in the first two phases.

The following table summarizes and compares the impact on the four intersections in the PM peak in the approved and proposed application:

	Level of Service	
	Approved	Proposed
MD 355/ Middle Lane	0.98	0.99
MD 355/ Beall Avenue	0.81	0.80
Middle Lane/ N. Washington St.	0.60	0.59
Maryland Ave/ MD 28 (w/improvement)	0.78	0.77

As a result of the proposed changes in land use and densities between the approved project and the proposed project traffic generated by the Rockville Metro Plaza, there is a significant and notable impact as defined by the Standard Traffic Methodology at the intersection of MD 355/ Middle Lane. The critical lane volume over capacity ratios (V/C Ratio) were improved at the remaining three intersections, as shown in the chart above.

### **Access and Circulation**

There are three access points to the site, one on MD 355, one on Middle Lane and one off of Maryland Avenue extended. The access along Middle Lane serves all uses on the site and serves as the only access to the loading area/service corridor.

The access point to Maryland Avenue extended will serve all uses of the site except the office component of Phase II. Under the proposed configuration this access point will not connect to Maryland Avenue until the City acquires the adjacent property. Consideration should be given to an alternative design that will allow a connection from the garage to Maryland Avenue extended without acquiring the adjacent property.

The garage facilities are subdivided into two sections. The garage section on the south side of the property serves the office component of Phase II. The garage section on the north side of the site serves all other land use components for the site. Gates control all access points to the garages.

### **Pedestrian and Bicycle Access**

Bicycle lockers should be installed at a convenient and safe location to serve the residential, retail and office components of the development. The minimum number of bicycle lockers shall be equivalent to 5% the number of residential units (7). Bicycle racks/lockers should be provided at a convenient and safe location to serve the retail and office components of the



development with a minimum number of spaces equivalent to 5% of parking spaces provided (67).

### **Transit Access**

The site will be served by the Rockville Metrorail and MARC station across MD 355. To access the station, pedestrians have to cross the intersections of Middle Lane/ MD 355 and Middle Lane/Monroe Street. Pedestrian improvements at these intersections should be made.

Due to the proposed densities and available bus service along MD 355 and Middle Lane, the site may be serviced directly by bus service. It would be desirable to have bus stop locations adjacent to the drop-off area on MD 355 and in front of the residential lobby on Middle Lane. Staff will require the applicant to provide a bus shelter adjacent to the site at a location to be approved by Montgomery County Department of Public Works and Transportation.

The applicant should enter into a Transportation Demand Management (TDM) agreement with the City in order to fund various programs designed to reduce the number and impact of vehicle trips within the Rockville Pike Planning Area. This contribution will be incorporated into the TDM capital improvement program funds of the City.

The agreement will require a contribution of sixty (60) dollars per market rate dwelling unit for a period of ten (10) years, and ten (10) cents per square foot of retail and office per year for a period of ten (10) years.

### **Parking**

Parking the entire project will be provided in the form of a multi-level parking garage. Before construction of the Phase III residential, the applicant will be providing surface parking in the area where the footprint of the residential tower would be. The portion of the parking deck that is underneath the residential tower will be constructed with Phase II. The 1,509 parking spaces provided are allocated as follows. It must be noted that the applicant is still working on parking allocation to best serve the various uses for the site:

- 554 standard spaces and 15 tandem spaces in Phase I.
- 741 standard spaces and 31 tandem spaces in Phase II
- 168 standard spaces for the Phase III residential.

### **Trash/Recycling and Loading**

All of the building service areas are located in the parking garage. The plans show six loading dock spaces. Three will be used for compactors/dumpsters and recycling and the other three will be used for loading and unloading. In addition, the residential building contains a trash room.

### **Forestry**

Since the original approval of the use permit, requirements for afforestation have changed. As a result, the applicant will be required to mitigate forestation requirements as per the Ordinance. These measures include required afforestation on site with up to 25% of total afforestation being able to be met with street trees. Afforestation not able to be met on site may be planted off site on City property with minimum 2 inch caliper trees, five year warranty plus 10 cents a square foot fee. Other off-site planting locations on private property will be considered and would require an easement plus a two year warranty period.

## **CONCLUSION**

The addition of a residential building to create a mixed-use development on this property represents a major contribution to the redevelopment of Rockville's Town Center. As a major employment center and potential location for retail and restaurant space that will be patronized by City residents, the addition was found to be positive for the Town Center, representing a significant upgrade to the site.

One of the comments that have continually arisen regarding this site was whether it was possible, or feasible, to incorporate residential units into the design. As part of the applicant's desire to increase the square-footage of the second phase office building through this new permit, the Planning Commission during a briefing suggested that a residential component be added to the plan in order to comply with the direction of the Town Center Master Plan. The applicant has complied with that request through this proposal.

Therefore, based on the factors noted in this and the original use permit approval, staff recommends approval of Use Permit USE2002-00651, subject to the conditions referenced within this staff report. Staff further recommends approval of a parking reduction of 27 percent, based on the project's proximity to Metro and common patrons of the office and retail uses.

/sep

Attachments